

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-25 Erie
)
 LEON F. AKERLY II)

GOVERNMENT'S PROPOSED VOIR DIRE

AND NOW comes the United States of America, by and through its counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christine A. Sanner, Assistant United States Attorney for said district, and respectfully requests that this Honorable Court, in addition to the questions it intends to pose during jury selection, ask the following:

1. Do you own, or possess, a firearm? The defendant in this case is charged with being a felon in possession of a firearm. Would the fact that you own or possess a firearm affect your ability to be impartial in this case?

2. Do you, or does any member of your immediate family, belong to the National Rifle Association, or to any other organization opposed to gun control legislation? If so, would such membership affect your ability to be fair and impartial in this case?

3. Have you, or has any member of your immediate family, ever been arrested for, charged with, prosecuted for, or convicted of a criminal offense (other than traffic violations)?

If so (at bench or in camera):

a.) Who was charged with the criminal offense?

b.) What was the nature of the offense?

c.) What was the outcome of the charge?

d.) Would this experience affect your ability to render a fair and impartial verdict in this case?

4. Have any of you ever served on a grand jury, on a criminal jury in trial before a judge, and/or been called as a witness at trial?

If so, was there anything about this experience with the criminal justice system which makes you feel that you cannot be a fair and impartial juror in this case?

5. This case is being prosecuted by the federal government. Have you had any difficult or unpleasant experiences with, or do you have negative feelings or beliefs about, the United States Government, including the Bureau of Alcohol, Tobacco, and Firearms, that would affect your ability to render a fair and impartial verdict in this case?

6. Potential witnesses in this case are employed by the Pennsylvania State Police. Have you ever had any difficult or unpleasant experiences with, or strong personal feelings against, the state police for any reason?

7. Are you less likely to believe the testimony of a law enforcement officer, as opposed to the testimony of any other

witness, simply and solely because he or she is employed in a law enforcement capacity?

8. The charge in this case alleges a violation of federal firearms laws. Do you hold such fixed beliefs about the possession of firearms that you would not be able to fairly and impartially consider the evidence, or would refuse to find a defendant guilty of unlawful possession of a firearm, even if the evidence supported a finding of guilt?

9. If the law given to you by the Court concerning the legality of possession of certain firearms differs from your present understanding, can you disregard or ignore your present view and accept and follow only that law contained in the judge's instructions?

10. To admit to having some sympathy for, or personal feelings against, either the defendant or the government is nothing to be ashamed of and does not reflect badly upon you as a person. However, both the government and the defendant are entitled to have this case heard by a fair and impartial jury that will decide the case solely according to the evidence admitted in this Court and according to the Court's instructions on the law. The law provides that the jury may not be governed by sympathy, prejudice, or public opinion. With this in mind, do you have any reason why you would not be able to give either the government or the defendant a fair

trial based solely upon the evidence admitted at the trial and the instructions given by the Court?

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Christine A. Sanner
CHRISTINE A. SANNER
Assistant U.S. Attorney
PA ID No. 85039